

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GUARDIAN INDUSTRIES CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 05-27-SLR
)	
DELL, INC. et al.,)	
)	
Defendants.)	

**PROVIEW ELECTRONICS COMPANY LTD'S MOTION TO STAY PENDING
RESOLUTION OF THE CASES AGAINST LCD MODULE MANUFACTURERS**

Defendant Proview Electronics Company LTD ("Proview Electronics") respectfully moves this Court to enter an Order staying the above-captioned action against Proview Electronics pending the final resolution of Plaintiff Guardian Industries Corporation's ("Guardian") claims against the liquid crystal display ("LCD") product manufacturers in this action.

Guardian has brought suit before against other defendants in a separate case (hereinafter referred to as "Guardian I"). However, the facts in this case are significantly different than the facts in Guardian I. First, in this case, the defendants include both the LCD manufactures, as well as a significant number of customers. In Guardian I, Guardian focused its claims primarily against the LCD manufacturers. Second, in this case, there are substantially more customer defendants than were present in Guardian I. Allowing discovery to proceed with respect to these customer defendants, most of whom have little if any additional knowledge about the accused products, would needlessly complicate discovery. Third, and perhaps most importantly, none of the defendants in Guardian I moved to stay the case prior to the commencement of discovery.

The LCD manufacturers are the parties with detailed knowledge of the design, structure, and manufacture of the allegedly infringing LCDs, and the parties with the information and documentation to defend against Guardian's claims. Indeed, Proview Electronics does not manufacture or design LCDs. Instead, Proview Electronics purchases LCD products from LCD manufacturers. It is these LCD manufacturers, not LCD customers like Proview Electronics, that are the real parties in interest in this case. The manufacturers who supply the LCDs incorporated into the fully assembled products Proview Electronics purchases from LCD manufacturers are set forth in the attached Declaration of Jim Chen (Exhibit A hereto). In an attempt to simplify this case, Proview Electronics now moves to stay the action, thereby allowing the LCD manufacturers to logically take the lead. Further, staying this case against Proview Electronics and the other customer defendants pending resolution of Guardian's claims against the LCD manufacturers would further the interests of justice and litigation efficiency and economy by significantly streamlining and simplifying the issues, discovery, and trial in this complex, multi-party case.


Proview Electronics joins in and incorporates by reference the points and authorities set forth in the briefs in support of the motions to stay filed by Dell, Inc. on June 3, 2005, and Gateway, Inc. on June 8, 2005, as grounds for this Motion. A proposed Order granting Proview Electronics' motion is attached hereto.

Rule 7.1.1 Certification. Counsel for Provview Electronics have consulted with counsel for Plaintiff Guardian Industries Corporation pursuant to Delaware Local Rule 7.1.1 and have been advised that Plaintiff will not consent to the relief sought by this Motion.

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Dated: July 12, 2005

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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GUARDIAN INDUSTRIES CORP.,)	
)	
Plaintiff,)	
)	
v.)	
)	
DELL, INC.; GATEWAY, INC.;)	
HEWLETT-PACKARD COMPANY; ACER INC.;)	
ACER AMERICA CORPORATION; AOC)	
INTERNATIONAL; ENVISION PERIPHERALS, INC.;)	
TPV TECHNOLOGY, LTD.;)	C. A. No. 05-27-SLR
TPV INTERNATIONAL (USA), INC.;)	
AU OPTRONICS CORPORATION;)	
AU OPTRONICS CORPORATION AMERICA a/k/a)	
AU OPTRONICS AMERICA, INC.;)	
BENQ CORPORATION; BENQ AMERICA)	Jury Trial Demanded
CORPORATION;)	
CHUNGHWA PICTURE TUBES, LTD. a/k/a)	
CHUNGHWA PICTURE TUBES COMPANY;)	
TATUNG COMPANY;)	
TATUNG COMPANY OF AMERICA, INC.;)	
BOE HYDIS TECHNOLOGY COMPANY, LTD.;)	
BOE HYDIS AMERICA INC.; CHI MEI)	
OPTOELECTRONICS;)	
COMPAL ELECTRONICS, INC.;)	
HANNSTAR DISPLAY CORPORATION; JEAN CO.,)	
LTD.; LITE-ON TECHNOLOGY CORPORATION;)	
LITE-ON, INC. a/k/a LITEON TRADING USA, INC.;)	
MAG TECHNOLOGY COMPANY, LTD.;)	
MAG TECHNOLOGY USA, INC.;)	
PROVIEW INTERNATIONAL HOLDINGS, LTD.;)	
PROVIEW TECHNOLOGY, INC.;)	
PROVIEW ELECTRONICS COMPANY, LTD.; and)	
QUANTA DISPLAY, INC.)	
)	
Defendants.)	

DECLARATION OF PROVIEW ELECTRONICS COMPANY, LTD.

I, Jim Chen (name), hereby declare as follows:

1. I am an assistant vice president of R&D at Proview Electronics Company Ltd. ("Proview Electronics"), a defendant in this action. Among other things, I am responsible for research and development of monitor for Proview Electronics. In this position, I have access to and am familiar with business records and information concerning Proview Electronics' purchase of liquid crystal displays ("LCD's") and LCD-containing products from third party suppliers.
2. I submit this declaration in support of Proview Electronics' motion to stay this case against Proview Electronics. The facts stated herein are based on my personal knowledge and my review of Proview Electronics' books, business records and other business information, as well as my conversations with other Proview Electronics employees. If called to testify regarding the same, I could do so competently.
3. I understand that Guardian Industries Corporation ("Guardian") has filed a lawsuit against Proview Electronics alleging infringement of U.S. Patent No. 5,570,214, entitled "Normally White Twisted Nematic LCD with Retardation Films on Opposite Sides of Liquid Crystal Materials for Improved Viewing Zone," U.S. Patent No. 5,694,187, entitled "LCD Including a Negative Biaxial Retarded on Each Side of The Liquid Crystal Layer," U.S. Patent No. 6,226,065, entitled "Liquid Crystal Display Having High Contrast Viewing Zone Centered in Positive or Negative Vertical Region," and U.S. Patent No. 6,229,588, entitled "Normally White LCD Including First and Second Biaxial Retarders," (referred to collectively herein as "the patents-in-suit"). I understand that each of the patents-in-suit is directed to a certain type of LCD. I further understand that Guardian has not specified in its Complaint or First Amended Complaint the specific products accused of infringement, but has generally alleged that "[o]n

information and belief, Defendants each sell LCD product(s) that include a version of Fuji Wide View (WV) film."

4. Proview Electronics does not manufacture or design LCD's. Instead Proview Electronics purchases LCD products from LCD manufacturers.

5. Upon review of Guardian's Complaint in this action, Proview Electronics attempted to determine the identity of the suppliers of the LCD's or LCD-containing products purchased by Proview Electronics. From our review, we determined that the vast majority of the LCD's or LCD-containing products purchased by Proview Electronics were purchased from companies that have either licensed the patents-in-suit from Guardian or are co-defendants in this lawsuit.

6. Proview Electronics has purchased LCD's and LCD-containing products from the following Guardian licensees: Chi Mei Optoelectronics ("CMO") and AU Optonics ("AUO"). Proview Electronics has also purchased LCD's and LCD-containing products from Hannstar, a defendant in this case.


7. When Proview Electronics purchases LCD's and LCD-containing products, Proview Electronics may specify that the LCD's must meet specific requirements, such as a specified viewing angle, refresh rate and brightness. Proview Electronics does not specify how those requirements must be met and is not provided technical information by the supplier explaining how the requirements are met in the ordinary course of business. Likewise, Proview Electronics does not request and is not provided information by suppliers regarding the specific components of the LCD products that Proview Electronics purchases, such as what type or how many different polarizers or films are used in the LCD's.

8. I have confirmed with the appropriate people at Proview Electronics that Proview Electronics does not know which LCD's or LCD-containing products it purchases from suppliers

and then resells, if any, that include a version of the Fuji Wide View film referenced by Guardian in its First Amended Complaint. For this reason, Proview Electronics cannot identify which of the LCD products it purchases from LCD manufacturers and then resells that allegedly infringe the patents-in-suit.

I declare that the foregoing is true and accurate to the best of my knowledge under penalty of perjury of the laws of the United States.

Dated: July 12, 2005


Jim Chen

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on July 12, 2005, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on July 12, 2005, I have Federal Expressed the documents to the following non-registered participants:

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